

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

DAVID McGEE, et al.,	:	
Plaintiff and	:	
Intervenor-Plaintiffs	:	
	:	
v.	:	File No. 1:04-cv-335
	:	(Lead Case)
STEVEN GOLD, KEITH TALLON,	:	
CELESTE GIRRELL, ROBERT	:	
HOFMANN, JOHN GORCZYK,	:	
KATHLEEN LANMAN, MICHAEL	:	
O'MALLEY, ANITA CARBENELLE,	:	
STUART GLADDING, DANIEL	:	
FLORENTINE, RAYMOND FLUM	:	
and CAROL CALLEA,	:	
Defendants	:	
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JACOB SEXTON,	:	
Plaintiff	:	
	:	
v.	:	File No. 1:05-cv-231
	:	
ROBERT HOFMANN	:	
and KEITH TALLON,	:	
Defendants	:	
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ORDER

The Magistrate Judge's Report and Recommendation was filed April 24, 2006 (Papers 176 and 11). After de novo review and absent timely objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Plaintiff David McGee's claim that he has been denied access to the courts (Amended Complaint, Count Two) is DISMISSED without prejudice.

It is further certified that any appeal taken *in forma pauperis* from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a).

This matter is returned to the Magistrate Judge for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 17th day of May, 2006.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge